

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

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KEITH BENSON, et al., )  
Plaintiffs, )  
 )  
v. ) Civ. No. 1:12cv1161  
 )  
VSIM PATENT CO. LLC, et al., )  
Defendants. )  
)

MEMORANDUM OPINION

THIS MATTER came before the Court on plaintiffs' Affidavit of Caitlin Lhommedieu, Esq. and supporting documents in support of attorneys' fees (Dkt. 81) in connection with plaintiffs' Motion to Compel and for Protective Order (Dkt. 58) heard on February 15, 2013.

Consideration by the Court of plaintiffs' attorneys' fees was limited to plaintiffs' Motion to Compel and for Protective Order. Yet, plaintiffs submitted legal bills not just for time related to preparation and appearance at those motions, but for plaintiffs' Motion for Sanctions (Dkt. 30) and other matters as well. In addition, plaintiff failed to submit affidavits from independent witnesses as to the reasonableness of their fees and the prevailing market rate. They also failed to address the factors the Court must consider for an award of counsel fees and costs pursuant to Robinson v. Equifax Info. Svcs., LLC, 560 F.3d

235, 243-44 (4th Cir. 2009).

The Court further finds that since the motions were only granted in part, the motions were fairly contested. This Court declines to award fees and costs. An appropriate order shall be entered.

ENTERED this 2nd day of May, 2013.

/s/

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THERESA CARROLL BUCHANAN  
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia